

Senate File 338 - Introduced

SENATE FILE 338
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 48)

A BILL FOR

- 1 An Act requiring background checks for school employees.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **279.69 School employees —**
2 **background investigations.**

3 1. Prior to hiring an applicant for a school employee
4 position, a school district shall have access to and shall
5 review the information in the Iowa court information system
6 available to the general public, the sex offender registry
7 information under section 692A.121 available to the general
8 public, the central registry for child abuse information
9 established under section 235A.14, and the central registry for
10 dependent adult abuse information established under section
11 235B.5 for information regarding the applicant. A school
12 district shall follow the same procedure by June 30, 2014, for
13 each school employee employed by the school district as of
14 July 1, 2013. A school district shall also follow the same
15 procedure every five years upon the anniversary of each school
16 employee's year of hire. A school district shall not charge
17 an employee for the cost of the registry checks conducted
18 pursuant to this subsection. A school district shall maintain
19 documentation demonstrating compliance with this subsection.

20 2. Being listed in the sex offender registry established
21 under chapter 692A, the central registry for child abuse
22 information established under section 235A.14, or the central
23 registry for dependent adult abuse information established
24 under section 235B.5 shall constitute grounds for the immediate
25 suspension from duties of a school employee, pending a
26 termination hearing by the board of directors of a school
27 district. A termination hearing conducted pursuant to this
28 subsection shall be limited to the question of whether the
29 school employee was incorrectly listed in the registry.

30 3. For purposes of this section, "*school employee*" means
31 an individual employed by a school district, including a
32 part-time, substitute, or contract employee. "*School employee*"
33 does not include an individual subject to a background
34 investigation pursuant to section 272.2, subsection 17, section
35 279.13, subsection 1, paragraph "b", or section 321.375,

1 subsection 2.

2 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
3 with section 25B.2, subsection 3, the state cost of requiring
4 compliance with any state mandate included in this Act shall
5 be paid by a school district from state school foundation aid
6 received by the school district under section 257.16. This
7 specification of the payment of the state cost shall be deemed
8 to meet all of the state funding-related requirements of
9 section 25B.2, subsection 3, and no additional state funding
10 shall be necessary for the full implementation of this Act
11 by and enforcement of this Act against all affected school
12 districts.

EXPLANATION

14 This bill requires a school district to review the state sex
15 offender registry, the state central registry for child abuse
16 information, and the state central registry for dependent adult
17 abuse information for information regarding any applicant for
18 a school employee position before an applicant is hired. The
19 bill requires a school district to follow the same procedure
20 by June 30, 2014, for each school employee employed by the
21 school district as of July 1, 2013, and every five years upon
22 the anniversary of each school employee's year of hire. The
23 bill prohibits a school district from charging an employee for
24 the cost of the registry checks conducted pursuant to the bill.
25 The bill requires a school district to document compliance with
26 the bill.

27 The bill establishes listing on the state sex offender
28 registry, the state central registry for child abuse
29 information, or the state central registry for dependent adult
30 abuse information as grounds for which a school employee is to
31 be immediately suspended, pending a termination hearing by the
32 board of directors of a school district. The bill specifies
33 that such a termination hearing is to be limited to the
34 question of whether a school employee was incorrectly listed in
35 one of the registries.

1 The bill defines "school employee" as an individual employed
2 by a school district, including a part-time, substitute, or
3 contract employee. The bill provides that "school employee"
4 does not include an individual subject to a background
5 information check pursuant to Code section 272.2, subsection
6 17, Code section 279.13, subsection 1, paragraph "b", or Code
7 section 321.375, subsection 2.

8 The bill may include a state mandate as defined in Code
9 section 25B.3. The bill requires that the state cost of
10 any state mandate included in the bill be paid by a school
11 district from state school foundation aid received by the
12 school district under Code section 257.16. The specification
13 is deemed to constitute state compliance with any state mandate
14 funding-related requirements of Code section 25B.2. The
15 inclusion of this specification is intended to reinstate the
16 requirement of political subdivisions to comply with any state
17 mandates included in the bill.